

REMARKS

The Applicant points out with regard to canceled claims 29-39, new claim 40 directly corresponds to claim 38 previously indicated as allowable in the Official Action of August 4, 2006, and new dependent claims 41-45 directly correspond to the subject matter of previous claims 31-35, and thus these new claims are believed to be allowable as well.

By way of further explanation, and in view of the Examiner's continued rejection of claims 29-37 and 39, the present invention is for an "illumination device" that is to say, one providing for the illumination of an object to enable features of the particular object to be comprehended by an observer. The class of such devices would include a reading lamp, a light to illuminate a road sign or a flood light for a church facade.

In contrast to this is a "signal" or "display device" functions, when energized, to show the existence to an observer, whether as a warning or by way of advertising or decoration. An example of a signal or display device would be a set of traffic lights, ships lights or a lighthouse. The function of a "display device" is not comparable with that of an "illumination device". The fact that a "signal" may illuminate an object in the vicinity of the signal is incidental to its display function. It is not intended to enable an observer to consider details of an illuminated object. A "signal" or "display device" would also include a decorative device including a lamp which, when energized, provides for the device to be viewed as a decorative feature rather than one illuminating another object for the sake of the object.

An "illuminating device" is intended to illuminate objects other than itself. In use, it functions so as to facilitate looking at something it illuminates. Its function does not involve it being looked at. This contrasts with a "display device" which is intended to draw attention it itself, for whatever reason, and so involves being looked at.

Claims 29, 32-34, 36 and 39 are rejected, under 35 U.S.C. § 102(b), as being anticipated by Kaye `021 . The Applicant acknowledges and respectfully traverses the raised anticipatory rejection in view of the following remarks.

In contradistinction from the present invention, Kaye `021 includes a title "Ornament Displaying Furniture" clearly indicating that the reference relates to a signal or display device rather than an illuminating one comparable with the subject of the present application. In Kaye `021 (column 1 starting at line 18), emphasizes this display function. The Examiner also asserts (page 4) that Kaye `021 discloses the concept specified in the present application "the at least one of air, gas or vapor being maintained at a controlled pressure relative to atmospheric pressure (as recited in claims 36 and 39)." In fact, Kaye `021 makes no mention of this concept, or implies a need for it, in his specification.

In his specification, Kaye `021 goes to considerable lengths and repeatedly states that his concern is with "ornament displaying furniture" which is to say with appearance of his device. He exemplifies a number of embodiments providing for the interior of his columnar furniture to be readily accessed to enable changes to be made to the contents or layout so as to provide for a changed appearance. It follows that Kaye `021 is not concerned with provided a light source located within an enclosure with efficient light coupling between the light source and the outside of his furniture (for example, so as to illuminate a region near the furniture) but rather with readily changing the appearance of his furniture when viewed. The efficiency of light transmission or the ability to illuminate is nowhere touched on by Kaye `021. Rather he makes a virtue of being able to open up his furniture to change its contents with a selection or selections from a range of light influencing materials and so its appearance.

The Examiner asserts (paragraph 12) that Kaye `021 discloses the present invention or (paragraph 13) renders it obvious to one of ordinary skill in the art. Kaye `021 in his furniture does not disclose an illuminating device (as discussed earlier) nor a device capable of

functioning as the present invention does. This is not surprising since he is not concerned with solving the problem overcome by the present invention. It is not clear who one of ordinary skill in the art is not what skill is referred to here. However, it is clear that the furniture provided by Kaye `021 is not in the same field of endeavor as the illuminating device of the present invention.

Claims 30, 31 and 35 are rejected, under 35 U.S.C. § 103(a), as being unpatentable over Kay `021. As the subject matter of these claims, now claims 41-45 is now dependent upon the allowed independent claim 40 as discussed above, these claims are believed allowable as well. If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejection(s) should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of the Kaye `021 reference, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

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The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. Daniels', written in a cursive style.

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